

# The American Tradition

An exhibition held at the John Carter Brown Library

October 15, 1991 - January 15, 1992



Providence, Rhode Island



The  
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## Preface

The John Carter Brown Library exhibition on the "American Tradition" dates back at least to 1942, during the dark days of the war against fascism, when an exhibition with that name, and incorporating many of the same books as are shown here, was mounted at the Library.

A version of the "American Tradition" was then revived in 1954, when the threat of McCarthyism to American liberties seemed to call for a return to first principles. The text of this exhibition was published at that time in a handsome pamphlet, with an introduction by the distinguished political science professor, now deceased, Clinton Rossiter.

In 1991, much that is most valuable in the American political tradition is on the ascendant globally, and this year happens also to be the 200th anniversary of the ratification of the first ten amendments to the Federal constitution, which constitutes the Bill of Rights of this country. More so than on the past two occasions, therefore, the revival of the exhibition now is a celebration of success, not a candle in the dark.

We have considerably revised the original text, to bring it into better focus and to emphasize certain features of our political tradition that were not as fully understood, even as late as 1954, as they are now.

With regard to the Bill of Rights, it cannot be emphasized too much that the absence of such a list in the Constitution as originally drawn was not the result of any lack of sympathy with the entitlement of all citizens to such rights. The case was rather that James Madison and others were opposed to an enumeration of rights in the Constitution because they feared that any enumeration could, sometime in the future, be interpreted as an actual limit on the extent of human rights. Whatever was not listed in the first ten amendments, it could then be argued, is not an inalienable right. Such is the danger of a list: it may be regarded as exhaustive.

The Bill of Rights, it was understood at the time, was an affirmation of some of the most obvious and basic rights of persons and citizens, not an exhaustive list. Inherent human rights exist prior to any government. They are not "granted" by government as a kind of favor to the people, which then can be withdrawn.

The U.S. Constitution was a progressive document for its time. Viewed from the perspective of later years, however, it was obviously flawed because of its acceptance of slavery and its exclusion of women from certain rights of citizenship. Yet the ideals that came to realization in the founding years of the U.S., after centuries of slow development going back to the ancient Greeks, were formulated with sufficient generality and abstraction to allow for continuous growth, development, and reinterpretation. In this respect the American Tradition is, ironically and happily, one of perpetual revolution.

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The holdings of the John Carter Brown Library span the entire Western Hemisphere, from Greenland to Patagonia, for the period, roughly, between 1492 and 1825. The Library's collection is equally strong in materials from British America and Spanish America, and encompasses as well Portuguese, French, and Dutch America. At the JCB, the word "America" typically has a very broad reference. In the case of this exhibition, however, the reference is to the precious tradition on which the government of the United States is founded.

Norman Fiering  
Director and Librarian



# THE AMERICAN TRADITION

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## THE BACKGROUND

### 1. Bible. *Interprete Sebastiano Castalione* . . . Basle, 1556.

The Bible was an important influence on the development of American political and social institutions. This Latin version printed in Basle in 1556, translated by Sebastien Castellion, a French Protestant, is appropriate as the first item in the present exhibition both as an edition of the Holy Scriptures and because it contains Castellion's celebrated plea for religious toleration, in the form of a preface addressed to Edward IV of England. Castellion's contention that the sword of the magistrate should not be called upon to enforce religious conformity was a principle that, through various channels, eventually became one of the basic tenets of the American way of life.

### 2. *Le bregement de toutes les estatutes . . . correctes par Guillaume Owein*. . . [London, 1552.]

Three conceptions of secular law are basic in American political thought -- statute law, common law, and natural law. The first of these is represented here by an alphabetical handbook of acts of Parliament in abridged form, compiled in French and published in London in 1522.

## The American Tradition

3. Henry de Bracton. *Henrici de Bracton de Legibus & consuetudinibus Angliae Libri quinq . . .* London, 1569.

Henry de Bracton's treatise, composed between 1250 and 1256 and first printed in 1569, is the second and most famous of the works on the Common Law of England. The Common Law tradition also includes the later compilations and commentaries of Littleton, Coke, and Blackstone. One writer says of the English Common Law that "based on Saxon customs, moulded by Norman lawyers, and jealous of foreign systems, it is, as Bacon says, as mixed as the English language and as truly national. And, like the language, it has been taken into other English-speaking countries, and is the foundation of the law in the United States." The colonial American guarded jealously his right as a free-born Englishman to the benefits that came to him through the operation of this body of principles and procedures. (Lent by the Brown University Library.)

4. John Locke. *Two Treatises of Government*. . . . [London], 1764.

Champions of human rights have insisted that these basic attributes of all persons are the legacy of mankind through the natural law. Thus, liberty of worship, as Roger Williams held, is not a right *granted* to men by their rulers but an inherent right *belonging* to them by natural law. All men, said the Declaration of Independence, are endowed by their Creator with the *right* to life, liberty, and the pursuit of happiness. This philosophic background, as well as the idea that government was not a natural growth in the life of a people but a social contract based upon the consent of all concerned, came to the attention of thinking men in the colonies from a number of sources, among them John Locke's *Letters on Toleration* and his *Two Treatises of Government*, first published in 1688.

### The American Tradition

5. *Conductor Generalis, or the Office, Duty and Authority of Justices of the Peace . . .* Philadelphia, 1722.

The *Conductor Generalis*, printed in Philadelphia in 1722, is an American version of an ancient Anglo-Norman handbook for the guidance of non-professional justices and legal officers. Its alphabetically arranged abstracts of laws and of forms and precedents played a part in the political and social education of the colonial American. Some 140 editions of works of similar character and purpose were published in the colonies in the period 1687-1800.

6. Henry Care. *English Liberties, or the Freeborn Subject's Inheritance . . . the Sixth Edition . . .* Providence, 1774.

Several times in the seventeenth and eighteenth centuries in America, compilations of the great documents underlying the rights of Englishmen were issued. As in William Penn's *The Excellent Priviledge of Liberty & Property* (Philadelphia, 1687), so in this American reprint of Henry Care's *English Liberties*, the Magna Carta and other notable grants and statutes were printed to keep the colonial American mindful, in Penn's words, of "the birth-right of the free-born subjects of England."

7. John Hawles. *The Englishman's Right; A Dialogue between a Barrister at Law and a Juryman.* Boston, 1772.

In order that trial by jury would be maintained as a precious heritage in England and America, the rights and privileges of juries had to be continuously defended against domination by judges and pressures by interested parties. *The Englishman's Right*, first published in London in 1680, effectively served this end by means of a dialogue between a juryman and a barrister-at-law. Hawles's book was first reprinted in America at Boston in 1693.



## The American Tradition

### REPRESENTATIVE GOVERNMENT

8. [William Strachey.] *For the Colony in Virginea Britannia. Lawes Divine, Morall and Martiall &c.* London, 1612.

The first laws of the earliest permanent English settlement in what is now the United States seem to have been based upon the disciplinary prescriptions instituted by Sir Thomas Dale in 1610. These laws were put in order by William Strachey, the historian of Virginia, in 1611 and printed in London in 1612. They form a strict and rigid martial code which was imposed upon the people by their governors until the coming of Sir George Yeardley in 1619. Though it never had official sanction from the King or the Virginia Company, "Dale's Code," as it was sometimes called, seems to have been employed in Virginia as a species of police regulation for some nine years of the colony's life.

9. *"A Reporte of the manner of proceedings in the General Assembly convented at James Citty in Virginia July 30, 1619 . . ."* (In *Collections of the New-York Historical Society*, 2d Series, Vol.III, Pt.I, 1857.)

One of the first acts of Sir George Yeardley as governor of the Virginia colony was to call the representative assembly which the Virginia Company in London had authorized him to convene. On July 30, 1619, there met at Jamestown the first elected legislative assembly of the New World. "Dale's Code," described in the preceding entry, was abrogated, and new and realistic laws passed at this assembly by governor, council, and elected burgesses. Thus was set the pattern for the political character of the British-American colonies, and thus was determined their status as self-governing commonwealths rather than communities administered, as were the colonies of France and Spain, by appointive councils or by royal edict. The text of the journal of that session, taken from the manuscript in the Public Record Office, London, was first printed in 1857 with comment by George Bancroft, in the publication shown here.

### The American Tradition

10. Thomas Bacon, compiler. *Laws of Maryland at Large . . .* Annapolis, 1765.

The first Maryland assembly of 1637 was not an elected body but an assembly of all the freemen of the colony. One of the actions of the freemen at this time was to reject a body of laws drawn up in England by Lord Baltimore and sent to Maryland for enactment, submitting in place of it a set of laws of their own preparation. In his turn the Lord Proprietor seems to have refused assent to the laws proposed by his colonists. Neither set of laws, therefore, was ever enacted, and all that remains of those proposed by the freemen is the list of their titles. Some historians have interpreted these events as an assertion by the freemen of Maryland of their right to initiate legislation, a right that seems to have been conceded by Lord Baltimore a year or so later without further contention. Bacon's *Laws of Maryland* records the action of 1637 and lists the titles of the body of laws submitted to the Proprietor by the Maryland settlers in their popular assembly.

11. "*The Original Constitution of Connecticut, formed by voluntary compact, 1639.*" (In Benjamin Trumbull, *A Complete History of Connecticut*, Hartford, 1797, Appendix III.)

The so-called "Fundamental Orders of Connecticut," drawn up in 1639 by an assembly of the planters of the river towns of Windsor, Hartford, and Wethersfield, are remarkable in that they cite no royal or colonial authority for establishing of a government but affirm in effect that "where a people are gathered together" it becomes their right and duty to organize themselves "as one public State or Commonwealth." The essential features of the "Fundamental Orders" were incorporated in the royal charter for Connecticut of 1662. The first printing of this earliest of American written constitutions was as an appendix to Trumbull's *Complete History of Connecticut*.



## The American Tradition

12. [John Locke]. *The Fundamental Constitutions of Carolina*. [London, 1669].

In many of its details the first Carolina constitution, drafted by John Locke, was already an anachronistic instrument at the time of its publication in 1669. Based upon feudal concepts outmoded in progressive English thought, some of its features never were adopted and the enforcement of others of its provisions remained an irritant in the life of the community until 1690 when the whole system was rejected. With all its shortcomings, however, the *Fundamental Constitutions* provided for a representative assembly (though with limited powers) and for religious toleration.

13. William Penn. *The Frame of the Government of the Province of Pennsylvania . . . together with certain laws . . .* [London], 1682.

The constitution for Pennsylvania as first established by William Penn emphasized religious liberty and a representative assembly. The power of initiating legislation, however, rested in the governor and council rather than in the assembly, a defect that was remedied by the charter of 1701, the more liberal provisions of which Penn introduced through collaboration with the assembly.

## EARLY PLANS OF UNION

14. "Articles of Confederation betweene the Plantations under . . . Massachusetts . . . New-Plymouth . . . Connectacutt and . . . New-Haven . . ." (In Ebenezer Hazard, editor, *Historical Collections*, Philadelphia, 1794, Volume II, pages 1-6.)

The New England Confederation of 1643 was formed primarily for defense against the Indians. It excluded Rhode Island and the Maine settlements from its protection and proved, indeed, a rude neighbor to the colony of Roger

### The American Tradition

Williams. Such as it was, however, it contained the seed of later constitutional growth--a union of separate colonies governed by representatives from each of them. It continued to exist with slowly decreasing effectiveness until, in 1684, the charter of Massachusetts was annulled. The "*Articles of Confederation*" of this earliest American union of 1643 was first printed in Ebenezer Hazard's *Historical Collections*, 1794. A short-lived "Dominion of New England," imposed by the crown in 1685 to succeed the Confederation, came to an end with the Glorious Revolution in 1689.

15. [Charles Davenant.] *Discourses on the Publick Revenues . . . Part II*. London, 1698.

Charles Davenant's politico-economic treatise of 1698 contains the text of a plan for the union of the colonies that originated with proposals made by William Penn a year or so earlier.

16. *An Essay upon the Government of the English Plantations on the Continent of America*. By an American. London, 1701.

Penn's Plan and Davenant's approval of it were sharply challenged by an anonymous Virginian who in 1701 wrote and published in London *An Essay upon the Government of the English Plantations*. Penn had suggested that two commissioners from each colony form the governing body of the union. His Virginian critic made a significant advance beyond Penn's Plan and the preceding plans of union with the proposal that the membership of the governing body be based upon the principle of representation in proportion to population. Louis B. Wright has suggested that the author of *An Essay* was Robert Beverley, the historian of Virginia, alone or in collaboration with the first William Byrd.



## The American Tradition

17. Daniel Coxe. *A Description of the English Province of Carolana*. . . . London, 1722.

Daniel Coxe, the proprietor of large areas in the Carolinas and elsewhere in the colonies, urged a union of the colonies for the common security, saying tersely that "A Wise Man will not stand with his Arms folded, when his Neighbours House is on Fire."

18. [Archibald Kennedy.] *The Importance of Gaining and Preserving the Friendship of the Indians to the British Interest Considered*. New York, 1751.

By the beginning of the second half of the eighteenth century, the necessity for a defensive union against the French and against enemy Indians had impressed itself upon many thoughtful men in the colonies. Among the most active of these in pamphleteering was Archibald Kennedy of New York, whose plan for a union of the colonies is set forth in this work. Printed with this tract is a letter from Benjamin Franklin elaborating on Kennedy's suggestion.

19. "*Plan of a Proposed Union of the several Colonies . . . for their mutual defence & security & for extending the British Settlements in North America.*" In *Proceedings of the Congress at Albany AD 1754*. Manuscript. (Pages 87-92.)

In 1754 Governor Shirley of Massachusetts called upon the colonists to send commissioners to confer at Albany for the purpose of creating an effective defense against the French and Indian menace. A commissioner from Pennsylvania at this meeting was Benjamin Franklin, who, after conferring on his way there with Archibald Kennedy and others, drew up and presented a Plan of Union which is the best remembered of all proposed pre-Revolutionary confederations.

### The American Tradition

20. Stephen Hopkins. *A True Representation of the Plan formed at Albany, for uniting all the British Northern Colonies, in order to their common Safety and Defence . . .* [signed at end:] Stephen Hopkins. [Newport, 1755.]

The Plan of Union proposed to the several colonies by the Albany Congress was promptly rejected by most of them. In later years, Franklin said that if it had been adopted the Revolution might not have occurred when it did, or for a century afterwards. In some places, such as in Rhode Island, consideration of the Plan became involved with local political issues. In that colony Stephen Hopkins, a delegate to the Congress, fought in defense of the Albany plan against opponents who, in the course of a gubernatorial campaign, vigorously criticized his acquiescence in its provisions. The earliest publication in book or pamphlet form of Franklin's famous Plan of Union appears in this work by Hopkins.

21. [Henry McCulloh.] *Proposals for Uniting the English Colonies on the Continent of America . . .* London, 1757.

In a valuable analysis of this book, the late Professor Julian Boyd of Princeton attributed it to the English merchant and publicist Henry McCulloh, speculative owner of huge tracts of land in North Carolina. McCulloh's point of view in this plea for union was that of the British mercantilist rather than the British-American citizen and resident of the colonies.

## The American Tradition

### THE TAXATION CONTROVERSY

22. James Otis. *The Rights of the British Colonies Asserted and proved . . .* Boston, 1764.

The Sugar Act of 1764 was the first of a series of laws through which Parliament levied taxes upon the colonies for the sake of revenue. The right of Parliament to impose such taxes was questioned by James Otis in this pamphlet in which he affirmed the rights of Americans based upon natural law, the Common Law of England, and acts of Parliament itself. In Otis's book, the grounds of the American position were carefully organized and boldly affirmed. Thus, by the time the Stamp Act was passed in 1765, an intelligent opposition to it, based upon profound political principles, had already come into being.

23. [Stephen Hopkins.] *The Rights of Colonies examined . . .* Providence, 1765.

This important pamphlet, brought out in 1765 in opposition to the taxation policies of Parliament, was the work of Stephen Hopkins of Providence. A reply to this tract, *A Letter from a Gentleman at Halifax*, by Martin Howard of Newport, led to a pamphlet war called the "Halifax Gentleman" controversy.

24. *Anno Quinto Georgii III. Regis. Cap. XII. An Act for granting and applying certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America . . .* [pages 277-310 with session title:] *Anno Regni Georgii III . . . quinto . . .* London, 1765.

The volume in which this copy of the celebrated Stamp Act of 1765 is found bears upon its covers the royal arms of King George III.



## The American Tradition

25. *La Deposition de Rene Picard . . . [signed:] Rene Picard his mark . . .*  
20th day of Decr 1765. Manuscript.

This unimportant legal document was written in Quebec upon a sheet of the stamped paper that had such unexpectedly disturbing consequences in England and America. It is a specimen of the thing itself, a paper bearing the embossed stamp with the word "America". The stamp seems in design too much a thing of daintiness and beauty to have been responsible for the discord that followed its use.

26. Richard Bland. *An Inquiry into the Rights of the British Colonies . . .*  
(Williamsburg, 1766)

Bland's pamphlet is a classic assertion of the principle that legitimate rule requires the consent of the people, through representation in a legislature. The work was written as a rebuttal to an anonymous British pamphlet that claimed the American colonies were "virtually" represented in parliament--just as, according to this British argument, nine-tenths of the people of Britain were, who were not actually represented through voting rights. If such be the case, Bland responded, "it shows a great Defect in the present Constitution [of Britain], which has departed so much from its original Purity." Drawing from Vattel, Locke, Wollaston, and other natural law theorists, Bland recurred to fundamental principles. Concerning the power to tax, he wrote: "Power abstracted from Right cannot give a just title to Dominion. If a Man invades my Property, he becomes an Aggressor and puts himself into a State of War with me: I have a Right to oppose this Invader; if I have not Strength to repel him, I must submit, but he acquires no right to my Estate which he has usurped."

## The American Tradition

27. [Daniel Dulany, Jr.] *Considerations on the Propriety of imposing Taxes in the British Colonies . . . North America: Printed by a North-American.* [Annapolis, Jonas Green], 1765.

Possibly the most influential written protest by the Americans against the imposition of the Stamp Act was this treatise by Daniel Dulany. This is the earliest of eight English and American editions of 1765 and 1766. In his speech in the House of Commons which resulted in the repeal of the Stamp Act, William Pitt extolled Dulany's argument and read extracts from it to his hearers. In this pamphlet the question of "Taxation without Representation" came in for extended discussion and the theory of "virtual representation" was once more demolished to the satisfaction of thinking men.

28. *Proceedings of the Congress at New York . . . [colophon]* Annapolis, 1766.

The Stamp Act Congress, called by Massachusetts and convened at New York in October 1765, prepared petitions to the king and parliament and drew up for home consumption the first of the several declarations of rights which provide landmarks along the road towards independence. The only record of sessions of the Stamp Act Congress known to have been contemporaneously printed in the colonies was this edition of the *Proceedings* published at Annapolis in 1766. From it was reprinted an edition of London, 1767.

29. *Anno Sexto Georgii III. Regis Cap. XI. An Act to repeal an Act . . . Intituled, An Act for granting and applying certain Stamp Duties . . . in the British Colonies . . . in America . . . [pages 241-244 with session title:] Anno Regni Georgii III . . . sexto . . .* London, 1766.

The disturbances attendant upon the enforcement of the Stamp Act aroused British opinion so thoroughly that the law was repealed by Parliament in 1766. Here is a printed copy of the rescinding act with a manuscript showing the instrument in the form of the unamended bill in which it was first



### The American Tradition

presented to the House of Commons. In this same volume is found a copy of *An Act for the better securing the Dependency of his Majesty's Dominions in America*, the so-called "Declaratory Act," in which, in general terms, the right of Parliament to tax the colonies is so stated as to nullify the act of repeal.

30. *Annapolis, (In Maryland) June 22, 1769. We the Subscribers, his Majesty's loyal and dutiful Subjects; the Merchants, Traders, Freeholders, Mechanics, and other Inhabitants of the Province of Maryland . . .*  
[Annapolis, 1769.]

The repeal of the Stamp Act was followed by the imposition of the Townshend Acts of 1767 which laid duties upon many articles imported by the colonies. One consequence of this legislation was the creation of non-importation agreements by the merchants and leading men throughout the country. Among the small number of these agreements to appear in print was this one published in Annapolis by Anne Catharine Green, signed by forty-three persons.

31. John Dickinson. *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies*. Philadelphia, 1768.

32. [Thomas Jefferson.] *A Summary View of the Rights of British America* . . . Williamsburg, [1774].

In the period between the close of the French and Indian war and the beginning of the war of the Revolution, many effective pamphlets were published by American writers affirming the rights of the colonies. Among these were John Dickinson's *Letters from a Farmer* and Thomas Jefferson's *Summary View*, shown respectively in the first edition of Philadelphia, 1768, and the first edition of Williamsburg, 1774. Of the two tracts, that of Dickinson was the more effective in the opinion of contemporaries, and its author, for a year or so, was possibly the most revered individual in the

### The American Tradition

colonies. Seven editions of his *Letters* came from American presses in 1768 and 1769, and three additional editions, one of them in French, were printed in London, Dublin, and Paris, respectively.

33. [James Smither. *engraver?*] *The Patriotic American Farmer. J-n D-k-ns-n Esqr . . . Who with Attic Eloquence and Roman Spirit has asserted, the Liberties of the British Colonies in America . . .* [Philadelphia, 1768.] Engraved portrait.

This portrait of John Dickinson and the complimentary inscription and verse beneath it were engraved, probably, by James Smither and published as a separate print by Robert Bell, celebrated Philadelphia publisher, in October 1768. The appearance of the portrait in the same year as Dickinson's *Letters from a Farmer* is another testimony to the impression made by the book upon its contemporary readers.

34. *Province of Massachusetts Bay. In the House of Representatives May 28th. 1773 . . . [at end:] A true Copy Saml Adams Clk.* Manuscript.

The extra-constitutional bodies known as the Committees of Correspondence nourished and sustained the spirit of revolution in the American colonies, establishing a principle of cooperation that became the strong core of the movement towards union. It was Samuel Adams who in November, 1772, revived the conception of the Committee of Correspondence, not then new in American history, and gave it effectiveness by causing the appointment of town committees throughout Massachusetts. Four months later the Virginia Assembly established a Committee to serve for that colony as a whole and called upon the other colonies to do likewise in order that a system of intercolonial communication might be set up and maintained. This copy in manuscript of the Massachusetts Resolutions of May, 1773, adopting the Virginia proposal and naming a Committee of fifteen members, is attested and signed by Samuel Adams.



### The American Tradition

35. *The following extracts from the Votes and Proceedings of the American Continental Congress, we are induced to publish thus early purely to ease the Impatience of our Readers. ASSOCIATION, & C. . . . Newport, [1774].*

One of the earliest actions of the Continental Congress was the adoption in 1774 of the "Association," an agreement that went far beyond the non-importation agreements of 1768 and 1769. Those earlier agreements made individually by the separate colonies were concerned with non-importation alone; the "Association" was a pact made by twelve colonies in Congress assembled to observe "non-importation, non-consumption, & non-exportation" as the best measures to redress their common grievances against the British ministry.

36. *Extracts from the Votes and Proceedings of the American Continental Congress Held at Philadelphia on the 5th of September 1774 . . . Philadelphia, 1774.*

In addition to the "Association," the Continental Congress of September, 1774, adopted a "Declaration and Bill of Rights," an "Address to the People of Great Britain," and other instruments clearly stating the position of the colonies with regard to the issues between them and Britain at that time of constitutional crisis. These several documents were printed and issued in a volume with the general title as given in this entry. In addition to this early issue of the *Extracts*, there were printed throughout the colonies in the remaining weeks of 1774 more than twenty-five editions of this collection of notable acts and affirmations brought into being by the coming of age of American political thinking.

37. Levi Hart. *Liberty Described and Recommended in a Sermon . . . Preached in Farmington . . .* (Hartford: Eben. Watson, 1775).

Levi Hart, a Congregational minister, was particularly concerned in this pamphlet about the injustice and horror of slavery and the slave trade. He made a connection that was not always fully faced in the American colonies,



### The American Tradition

that if political liberty was an absolute right for the British colonists, why was it not a right also for black slaves in the colonies? "What inconsistency and self-contradiction is this," Hart asked. "Who can count us the true friends of liberty as long as we deal in, or publicly connive at, slavery."

38. [Thomas Paine.] *Common Sense; addressed to the Inhabitants of America . . .* Philadelphia, 1776.

Public opinion was urged further in the direction of independence by the forceful presentation of the American cause in Thomas Paine's tract, *Common Sense*. Published in January, 1776, it sold 120,000 copies in the next three months. Shown here is the first edition.

39. *The Proceedings of the Convention . . . held . . . in . . . Williamsburg . . . the 6th of May, 1776.* Williamsburg, [1776].

On June 12, 1776, the Virginia Convention adopted what has come to be known as the "Virginia Declaration of Rights," an instrument composed by George Mason, which had a major influence on the articulation of the statements of human rights that came later, including the Declaration of Independence, the Bills of Rights of other states, and the "Declaration of the Rights of Man" of the French Revolutionaries. The Virginia "Declaration of Rights" is printed in the *Proceedings* of this Convention under June 12, 1776, and under the date of May 15, 1776 is found the Virginia "Resolutions of Independence."

40. *In Congress, July 4, 1776. A Declaration by the Representatives of the United States of America, in General Congress assembled . . . [at end:] John Hancock, President . . .* Newport, June 13, 1776.

This first of two broadside editions of the Declaration of Independence issued in Rhode Island in 1776 was misdated by the printer "June 13" instead of July 13. A second Newport edition has added to it the Assembly's order that the

### The American Tradition

Declaration be proclaimed in Newport and Providence in the presence of the militia with accompanying cannon and musketry salutes. In his *Contemporary Broadside Editions of the Declaration of Independence*, (19--) Michael J. Walsh lists nineteen editions printed in 1776 of the notable document in which was crystallized the unrest of the 170 years of American political life that preceded it.

41. *In Congress, July 4, 1776. A Declaration by the Representatives of the United States of America; in General Congress assembled . . . [at end:] John Hancock, President.* [London, 1776?]

This edition of the Declaration of Independence is believed to have been published in England, though we may not say this with certainty. The portrait of John Hancock at the top is after a mezzotint known to have been published in London in October, 1775. The broadside is bound in a volume of *The Crisis*, an English liberal journal that strongly supported the American cause.

### THE CONSTITUTIONS

42. [John Adams], *Thoughts on Government Applicable to the Present State of the American Colonies . . .* (Philadelphia: John Dunlap, 1776)

The question of how best to organize a true republic, a people without kings and nobility, so as to ensure both justice and liberty was a matter of the utmost importance in 1776 as the former British colonies cut themselves loose from the imperial order. No American threw himself more earnestly or brilliantly into the question than John Adams, whose contributions as both a practical leader and theorist were immense. In this little pamphlet, Adams forcefully argued for the principle of checks and balances, whereby the separated "powers" of government--legislative, judicial, and executive--are prevented from combining forces in oppression. He argues also for a



### The American Tradition

complex legislature, one made up of at least two houses, if not three, for the same purpose: preventing the exercise of unlawful power.

43. *The Constitution of the Commonwealth of Pennsylvania, as established . . . July 15th, 1776 . . . to September 28, 1776.* Philadelphia, 1776.

44. *The Constitution of the State of New-York.* Fish-Kill, 1777.

45. *Ordinances passed at a General Convention of Delegates and Representatives . . . of Virginia . . . the 6th of May . . . 1776.* Williamsburg, [1776].

On May 10, 1776, the Continental Congress recommended to the states that each of them proceed to the establishment of a republican form of government. Shown here are the first editions of the Pennsylvania and New York constitutions, and an early edition of the Virginia constitution in a volume entitled *Ordinances passed at a General Convention . . .*, printed in Williamsburg in 1776. The individual state constitutions were eagerly read in France and elsewhere in Europe.

46. *A Constitution or Frame of Government, Agreed upon by the Delegates of the People of the State of Massachusetts Bay* (Boston, 1780).

Massachusetts was the last of the states to adopt a republican constitution, but the result was widely considered to be excellent. Drafted by John Adams, it had a major influence on the framing of the federal Constitution, and remarkably, it is still in use today, although extensively amended over the years.

Aside from its particular provisions, the very framing of the Massachusetts constitution embodied an entirely new idea in the processes of republican

### The American Tradition

government, namely that of the "constituent assembly." A constituent assembly is elected by the people for the sole purpose of creating a structure of government, and must be kept distinct from the legislature. As in the case of the Convention that created the federal government of the United States, after the constituent assembly has done its work, it dissolves completely, and the legislature or congress that is established as a result of the work of the assembly is empowered to make laws but not to alter the fundamental document created by the constituent assembly. The basic principles of free government are thus protected against the passing whims, interests, or fashions of lawmakers from year to year.

47. *Articles of Confederation and Perpetual Union between the States of [names of thirteen colonies]*. Lancaster, 1777.

Realizing that a greater degree of unity among the revolutionary colonies must be brought about, the Continental Congress in 1777 proposed a formal confederation which was ratified in 1781. The country functioned under this confederation until the Constitution became effective in 1789. Congress was sitting at York, Pennsylvania, when this "firm league of friendship" was formed, and its visible instrument, the *Articles of Confederation*, was taken to the nearby town of Lancaster for printing. This copy is signed and attested in longhand by Henry Laurens, President of the Congress.

48. *Articles de confédération perpétuelles entre les Etats de [names of thirteen colonies]* . . . [Paris], 1776.

This edition in French of the *Articles of Confederation* was an unauthorized publication of the proposed articles, with a note on the title-page that stated, incorrectly, that ratification of the instrument had already occurred. Though the circumstances have not been explained, this edition is, nevertheless, of considerable interest as being the earliest printing for unrestricted distribution of the first of our federal constitutions. This copy and one in the Bibliothèque Nationale seem to be the only ones recorded.



## The American Tradition

49. George Washington. *A Circular Letter from His Excellency George Washington, Commander in Chief of the Armies of the United States of America; Addressed to the Governors of the several States, on his resigning the Command of the Army* . . . London, [1783]. Broadside.

Between the victory of Yorktown in October 1781, and the Definitive Treaty of 1783, the Continental Army went through a period of uncertainty, prolonged idleness under arms, and apparent neglect by Congress. A part of this time was spent in cantonments at Newburgh, New York. It was in this period and at this place that Washington was at his noblest, showing himself truly to be First in Peace as previously he had been First in War. It was at Newburgh that Washington blasted indignantly the proposal that the country be made a monarchy with him as king, and it was here that by sympathy, firmness, and lofty eloquence he destroyed a conspiracy that came dangerously close to a mutiny of his officers against the Congress. Finally, it was from Newburgh that in 1783 he sent his *Circular Letter* to the governors of all the states, pleading the cause of the officers and laying down political principles which make of the communication a state paper hardly less important than his Farewell Address of thirteen years later.

50. Virginia. *In the House of Delegates, January 13, 1786. Resolved that the damages on foreign bills of Exchange, protested, ought to be the same in this state and the state of Maryland* . . . John Beckley. C.H.D. [Richmond? 1786.]

The Constitutional Convention that led to the present U.S. Constitution came into being following upon a recommendation of a group of delegates from six states who met at Annapolis in September 1786, at the suggestion of Virginia. This inauspicious broadside contains a resolution by the Virginia House of Delegates to the effect that commissioners from all the states should meet to adopt uniformity in commercial regulations. The copy shown is attested in longhand by John Beckley and attached to a letter in longhand in which Patrick Henry, Governor of Virginia, conveyed the invitation to the governors of all the states. The result was the meeting which is remembered



## The American Tradition

as the "Annapolis Convention". It was at the so-called "Annapolis Coonvention" that the decision was made to meet the next year to consider a full range of deeper and broader issues than problems of commerce alone.

51. *We the people of the United States, in order to form a more perfect Union . . . do ordain and establish this Constitution . . . [at end:] George Washington, President . . . [Philadelphia, 1787.]*

This is the simple and economical edition of the Constitution in the form in which it was officially distributed to the states for ratification according to the action of the Congress set forth on its last page. This copy is signed in longhand by Charles Thomson, Secretary of Congress. More than thirty editions of the proposed Constitution were published in the thirteen states in 1787.

52. *The Federalist: a Collection of Essays, written in Favour of the new Constitution, as agreed upon . . . September 17, 1787. In Two Volumes . . . New-York, 1788.*

Most influential among the many political writings designed to ensure the ratification of the Constitution was this group of essays by Alexander Hamilton, James Madison, and John Jay. These notable essays were originally published after the conclusion of the Convention as a series of newspaper articles under the pseudonym "Publius". They were first collected and published in book form with the present celebrated title in New York in 1788.

## The American Tradition

53. *Proceedings and Debates of the Convention of North-Carolina, convened . . . the 21st Day of July, 1788 . . . for . . . deliberating . . . on the Constitution recommended . . . at Philadelphia, the 17th Day of September, 1787 . . .* Edenton, 1789.

Differences of opinion manifested themselves in the state conventions on the subject of the ratification of the Constitution. This journal of the North Carolina convention is a record of discussions and deliberations typical of those that occurred everywhere before the new plan of government became effective through the agreement of nine of the states. Actually North Carolina did not ratify until several months after the new government went into effect on March 4, 1789.

54. *The Bill of Rights, and Amendments to the Constitution of the United States, as Agreed to by the Convention of the State of Rhode-Island* (Providence, [R.I.], 1790)

Rhode Islanders were generally opposed to the new federal Constitution of 1787, out of concern that the union would in the end diminish the autonomy of the smaller states in favor of the larger and more powerful states. But the citizens of Rhode Island also objected to the absence of a bill of rights in the Constitution. At the ratifying convention held in Rhode Island in 1790, which resulted in acceptance of the Constitution by the state and membership in the union--the last state to join--the delegates proposed a set of amendments that itemized the rights of citizens, in particular the right of religious liberty.

55. *Amendments proposed to be added to the Federal Constitution by the Congress of the United States . . . the fourth day of March . . .* M,DCC,LXXXIX. Boston, 1790.

The Constitution was not perfected until Congress yielded to the demands of many who felt that the original instrument had not sufficiently emphasized



## The American Tradition

certain broad general rights of the people under the common law. Twelve amendments were proposed which, after reduction to ten, were ratified by the states in 1791 and appended to the constitution. Because of their fundamental character this group of amendments has come to be known as the "Bill of Rights." It embodies a statement of freedom of worship, freedom of speech and the press, the right of assembly, the right of petition, the right to bear arms, security against the quartering of troops, security against unreasonable search and seizure, right to due process of law, and a firm assertion of the sovereignty of the people.

### HUMAN RIGHTS

#### Freedom of the Press

56. Thomas Maule. *Truth held Forth, and maintained . . . With some Account of the Judgments of the Lord lately inflicted upon New-England by Witch craft . . .* [New York], 1695.

57. Thomas Maule. *New-England Pe[r]secutors Mauld with their own Weapons . . .* [New York, 1697.]

In his *Truth held Forth* printed in New York in 1695, Thomas Maule, a Salem Quaker, attacked the Massachusetts authorities for their persecution of the Quakers and for the conduct of the witchcraft trials of 1692. After his book had been burned by the hangman he was brought to trial for its publication. Contrary to the instructions of the court, the Salem jury brought in a verdict of not guilty. Maule's own account of his trial is found in the work bearing the felicitous punning title *New England Pe[r]secutors Mauld with their own Weapons*. In *Thomas Maule, the Salem Quaker*, Matt Bushnell Jones wrote that Maule's trial "raised equally with that of Zenger the question of the right of a man to print and publish a criticism of government."



### The American Tradition

58. *The tryal of John Peter Zenger, of New-York, Printer, who was lately Try'd and Acquitted for Printing and Publishing a Libel against the Government . . . The Second Edition.* London, 1738.

The best remembered of American incidents in the struggle for the freedom of the press occurred when in 1735 the Council of the Colony of New York brought to trial the printer John Peter Zenger, upon a charge of libel. As a result of Zenger's trial, "the liberty of the press," wrote his biographer, "was secure from assault and the people became equipped with the most powerful weapon . . . the right of freely criticizing the conduct of public men." The case of Zenger aroused widespread and prolonged interest. Joseph Sabin's *Dictionary . . .* records seven editions of the trial or accounts of it in New York and London in the period 1736-1738, and seven between 1750 and 1799.

59. [William Goddard.] *The Prowess of the Whig Club and the Manoeuvres of Legion . . .* Baltimore, [1777].

The dissatisfaction of neighbors with the action and policies of a printer can affect his business as powerfully as governmental interference. The Whig Club of Baltimore twice mobbed William Goddard, publisher of the *Maryland Journal*, for what were incorrectly regarded as defeatist articles published in his paper in the dark days of the Revolution. In both instances Goddard was protected and his persecutors restrained by the Maryland Assembly, which had recently proclaimed the liberty of the press in its Declaration of Rights. Goddard's account of the first of these episodes, in the course of which he had been ordered to "leave this Town by twelve o'clock to-morrow morning," was published in this volume. The notice delivered to him said that failure to obey would subject him "to the resentment of a LEGION." The Library owns also the manuscript of an unpublished second part of the book in which the story is continued by the angry but triumphant printer.

### The American Tradition

60. *Journal of the House of Delegates of the Commonwealth of Virginia: begun and held at the Capitol . . . the third Day of December, One Thousand Seven Hundred and Ninety-Eight.* Richmond, 1798 [1799].

The passage of the Alien and Sedition Acts of 1798, with their restrictions upon freedom of speech and their tendency towards centralization of power in the federal government, aroused such strong opposition as to cause eventually the downfall of the Federalist party. The most notable protests against those laws were the "Virginia Resolutions," written by James Madison, and the "Kentucky Resolutions," written by Thomas Jefferson. The text of the Virginia document was printed at large in the Assembly Journal under date of December 21, 1798.

61. Legislature of Kentucky. *In the House of Representatives, November 10th, 1798 . . .* [Frankfort, Kentucky, 1798.]

Even before the adoption of James Madison's "Virginia Resolutions," the legislature of Kentucky on November 10, 1798, had adopted what became known as the "Kentucky Resolutions," the work, secretly accomplished, of Thomas Jefferson. The single sheet published at Frankfort, Kentucky, was one of the earliest appearances in print of the "Resolutions." This copy was sent by John Breckenridge, sponsor of the "Resolutions" in the Kentucky Legislature, to Henry Tazewell, United States Senator from Virginia.

62. Thomas Cooper. *Political Essays, originally inserted in the Northumberland Gazette . . .* Northumberland [Pennsylvania], 1799.

## The American Tradition

63. Thomas Cooper. *An Account of the Trial of Thomas Cooper, of Northumberland; on a Charge of Libel against the President of the United States* . . . Philadelphia, April 1800.

Of the cases of ten individuals fined and imprisoned under the clause in the Sedition Act directed against libeling the government or the President, the most notable was that of Thomas Cooper, whose *Political Essays* of 1799 brought about the conviction recorded in *An Account of the Trial of Thomas Cooper*. ( Philadelphia, 1800).

64. [Benjamin Franklin Bache.] *Truth Will Out! The foul Charges of the Tories against the Editor of the Aurora* . . . [Philadelphia, 1798.]

Another of those arrested under the Sedition Act was Benjamin Franklin Bache, grandson of Benjamin Franklin. *Truth Will Out!* is Bache's protest against his arrest. These cases were regarded by the defendants as tests of the declaration in the Federal Bill of Rights that Congress should make no law abridging the freedom of speech or of the press.

## Freedom of Worship

65. [Roger Williams.] *The Bloudy Tenent, of Persecution, for cause of Conscience* . . . [London], 1644.

In this the most famous of his writings, Roger Williams sturdily maintained his conviction that religion must be protected from any kind of intrusion from the state. This principle was already established in Rhode Island, which Williams founded.



### The American Tradition

66. John Langford. *A just and cleere Refutation of a false and scandalous Pamphlet, Entituled, Babylons fall in Maryland, &c. . . . To which is added a Law in Maryland concerning Religion . . .* London, 1655.

The policy of religious toleration affirmed by Lord Baltimore in 1634 in his letter of instruction to his first Governor, and the enforcement of that policy with good results, led naturally to the passage in 1649 of the famous Maryland Toleration Act, an instrument based upon no profound philosophical theories of the natural rights of man but upon the idea of religious freedom as a practical measure in maintaining peace and amity within the community. "A Law of Maryland concerning Religion" appeared in its first printed form as an element in John Langford's *Just and cleere Refutation* of London, 1655.

67. *The Charter Granted by His Majesty King Charles the Second, to the Colony of Rhode-Island, and Providence-Plantations in America..* Newport, 1730.

The ideas of Roger Williams, John Clarke, and others in Rhode Island concerning the separation of Church and state found embodiment in the Charter granted the Colony by Charles II in 1663. The authors state in effect their desire to continue in Rhode Island the "lively Experiment" begun there nearly a generation earlier, namely, "That a most Flourishing Civil State, may stand, and best be Maintained . . . With a full Liberty in Religious Concernments." This edition of the Charter, the first in print, was brought out in Newport by James Franklin, brother of Benjamin, in 1730.

68. Daniel Dulany, *the Elder*. *A Letter from Daniel Dulany, Esq; to the Reverend Mr. Jacob Henderson in Answer to Mr. Henderson's printed Letter, dated September 23, 1731 . . .* Annapolis, 1732.

### The American Tradition

69. Richard Bland. *A Letter to the Clergy of Virginia* . . . Williamsburg, 1760.

In both Maryland and Virginia the tax of thirty or forty pounds of tobacco per poll for the support of the local clergy of the Church of England kept alive resentment against that religious body until it was automatically disestablished in those colonies by the Revolution. Two memorable controversies arising from this situation are represented by the elder Daniel Dulany's *Letter* and Richard Bland's *Letter to the Clergy of Virginia* published twenty-eight years later.

70. "An Act for establishing Religious Freedom, passed in the Assembly of Virginia in the beginning of the year 1786." (In Thomas Jefferson, *Notes on the State of Virginia* . . . London, 1787, pages 379-382.)

One of the strongest elements in the liberalism of Thomas Jefferson was his passionately held belief that "our civil rights have no dependence on our religious opinions." It was his wish that his epitaph should perpetuate his memory as the author of the Virginia Statute for Religious Freedom in addition to his achievements as author of the Declaration of American Independence and founder of the University of Virginia. The text of that celebrated statute of 1786, "An Act for establishing Religious Freedom," was given wide circulation through its publication as Appendix No. III in the later editions of Jefferson's *Notes on the State of Virginia*.

71. *An Address from the Roman Catholics of America, to George Washington, Esq. President of the United States*. London, 1790.

The Federal Constitution provided that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States," but there remained at the time of this *Address from the Roman Catholics of America* three states in which members of that faith were excluded from holding public office. In most instances, the new state



## The American Tradition

constitutions, brought into being by the Revolution, did give full and equal rights to all citizens regardless of their religious affiliation. Roman Catholics were resented and feared longer than circumstances warranted because they professed the faith of the surrounding enemies, France and Spain.

### THE WESTERN LANDS AND THE PUBLIC DOMAIN

72. *Journals of Congress, Containing the Proceedings from January 1, 1779, to January 1, 1780 . . . Volume V.* Philadelphia, 1782.

The rights of Virginia, New York, Massachusetts, Connecticut, the Carolinas, and Georgia to western territory under the terms of their original royal charters or Indian grants were successfully contested by smaller states which could not make similar claims. They refused to ratify the "Articles of Confederation" until, through a cession of the western lands, or a promise of it, to the general government, there should be created the principle of the "Public Domain." An important statement of the point of view of the smaller states is found in the "Instructions" to the Maryland delegates to Congress adopted by the Maryland Assembly on December 15, 1778. This instrument is printed in the *Journals of Congress* under the date of May 21, 1779.

73. *By the United States in Congress Assembled, April 23, 1784. Resolved, that so much of the territory ceded, or to be ceded by individual strtates, to the United States . . . shall be divided into distinct states in the following manner . . .* [New York, 1785.]

The cession, or qualified, agreement of cession, of their western lands by the seven states concerned opened the way to the passage by Congress on April 23, 1784 of Jefferson's ordinance providing for the division into states of the public domain thus formed. Any new decision of territory created under the terms of the Jefferson ordinance would be entitled to statehood in the union as soon as it should possess "of free inhabitants, as many as shall then be in any one, the least numerous, of the thirteen original states." Appended to the



### The American Tradition

Jefferson ordinance under date of May 20, 1785, is "An Ordinance for ascertaining the Mode of disposing of Lands in the Western Territory." This copy of the Jefferson ordinance is signed by Charles Thomson, Secretary of Congress.

74. *An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio . . .* [New York, 1787.]

The celebrated "Northwest Ordinance," passed July 13, 1787, provided a governmental framework or constitution for the territories ceded or soon to be ceded to the people as public domain. It ensured that the expansion of the U. S. would be in accordance with the democratic principles adopted by the original thirteen colonies. This official copy of the "Northwest Ordinance" is signed by Charles Thomson, as Secretary of Congress.

75. Thomas Hutchins. *Plat of the Seven Ranges of Townships being Part of the Territory of the United States N.W. of the River Ohio which by a late act of Congress are directed to be sold . . .* [Philadelphia, n.d.]

The first application of the mode of surveying and dividing lands provided for in the Ordinance of 1787 is shown in the celebrated Hutchins map of the *Seven Ranges of Townships* published some seven years after the death of its maker. The map was originally printed and copyrighted in September, 1796. The specimen of it entered here is an impression from the same plate, found in Mathew Carey's *General Atlas* of Philadelphia, 1814.

THE CARTOGRAPHICAL PICTURE

76. Nicolas Joannes Visscher. *Novi Belgii Novaeque Angliae nec non Partis Virginiae Tabula* . . . [Amsterdam, c. 1650.]

The experiments in living which form the subject of our exhibition had their beginning in the group of scattered and dangerously isolated English colonies shown in the Visscher map, *Novi Belgii*, of about the year 1650. North of New England were the French in Canada; to the southward that group was effectively separated from the Chesapeake colonies of Maryland and Virginia by the Dutch on the Hudson and Delaware rivers. South of the Chesapeake colonies was the perpetual menace of the Spanish in Florida.

77. *A New Description of Carolina*. Francis Lamb, sculp. [London], Thomas Basset and Richard Chiswell, [c. 1676].

With the establishment of Carolina in 1663, the coastline of the colonies, as shown in the Basset and Chiswell map, was extended from the Chesapeake to Florida, embodying the coasts of what are now North Carolina, South Carolina, and Georgia. In the meantime, through the conquest of the Dutch, all the territory between New England and Maryland had become English.

78. Herman Moll. *A New and Exact Map of the Dominions of the King of Great Britain on the Continent of North America* . . . [London], 1715 [revised issue, c.1732].

Herman Moll's map of 1715 was revised, after the establishment of Georgia in 1732, to show upon the inset in the lower left-hand corner, the location of the new buffer colony. Henceforth, until the reduction of Canada in the French and Indian war, this long and narrow fringe of separate commonwealths along the Atlantic coast--encircled north, west, and south by

### The American Tradition

French and Spanish--was the scene of the growth and development of the American Tradition.

79. William McMurray. *The United States According to the Definitive Treaty of Peace signed at Paris, Sept. 3d. 1783 . . . R. Scot sculp.* [Philadelphia, 1784.]

The second map of the independent colonies that was produced in America was William McMurray's *The United States*, published in Philadelphia in December, 1784. This shows the new nation established by the Peace of 1783. Upon it are laid down the ten new states proposed in Jefferson's Ordinance of 1784. The still unresolved question of ownership of the western lands is suggested by the absence of western boundaries for Virginia, the Carolinas, Georgia, and New York. The picture presented by McMurray's map is that of a country unified and victorious, prepared to set about the great western expansion of the ensuing few decades.





